

MAP

PTO SB 26, 10-01

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REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

033082M0231

In re Application of **Makoto OKABE, et al.**

Application No.: **10/066,598**

Filed: **February 6, 2002**

For: **VACUUM PROCESSING APPARATUS**

The owner, **Tokyo Electron Limited**, of **100** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. **6,355,109**. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate:

1.  For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record.

March 31, 2003

Signature

Date

Michael A. Makuch, Reg. No. 32,263

Typed or printed name

- Terminal disclaimer fee under 37 CFR 1.20(d) included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO SB 96 may be used for making this certification. See MPEP § 324.

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**FEE TRANSMITTAL  
for FY 2002**

<sup>1</sup> Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** | (\$ ) **\$1,040**

METHOD OF PAYMENT (check all that apply)					FEE CALCULATION (continued)				
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None					<b>3. ADDITIONAL FEES</b>				
					Large Entity		Small Entity		
Fee Code		Fee (\$)		Fee Code		Fee (\$)		Fee Description	
125		130		125		65		Surcharge - late filing fee or oath	
127		50		227		25		Surcharge - late provisional filing fee or cover sheet	
139		130		139		130		Non-English specification	
147		2,520		147		2,520		For filing a request for reexamination	
112		920*		112		920*		Requesting publication of SIR prior to Examiner action	
113		1,840*		113		1,840*		Requesting publication of SIR after Examiner action	
115		110		215		55		Extension for reply within first month	
116		400		215		200		Extension for reply within second month	
117		920		211		460		Extension for reply within third month	
118		1,440		218		720		Extension for reply within fourth month	
128		1,980		228		980		Extension for reply within fifth month	
119		320		219		160		Notice of Appeal	
120		320		220		160		Filing a brief in support of an appeal	
121		280		221		140		Request for oral hearing	
136		1,510		138		1,510		Petition to institute a public use proceeding	
140		110		243		55		Petition to revive – unavoidable	
141		1,280		241		640		Petition to revive – unintentional	
142		1,280		242		640		Utility issue fee (or reissue)	
133		460		243		230		Design issue fee	
144		620		244		310		Plant issue fee	
122		130		122		130		Petitions to the Commissioner	
123		50		123		50		Processing fee under 37 CFR 1.17(q)	
126		180		126		180		Submission of Information Disclosure Stmt	
581		40		581		40		Recording each patent assignment per property (times number of properties)	
138		740		246		370		Filing a submission after final rejection (37 CFR § 1.129(a))	
149		740		248		370		For each additional invention to be examined (37 CFR § 1.129(b))	
119		740		279		370		Request for Continued Examination (RCE)	
169		900		169		900		Request for expedited examination of a design application	
					Other fee (specify) <u>Terminal Disclaimer</u>				
					*Reduced by Basic Filing Fee Paid				
					<b>SUBTOTAL (3)</b> <b>(<u>\$1,040</u>)</b>				

**\*\***or number previously paid, if greater. For Reissues, see above

SUBMITTED BY		Complete if applicable			
Name / Print Type:	Michael A. Makuch	Registration No. Attorney/Agent:	32,263	Telephone	(202) 263-4300
Signature				Date	March 31, 2003

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